

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

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|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| V. |) | CASE NO: 3:06-cr-30-WHA |
| |) | |
| BRIAN V. CLARK |) | |

**MOTION TO WITHDRAW AS COUNSEL OF RECORD
AND FOR APPOINTMENT OF CJA PANEL ATTORNEY**

COMES NOW the undersigned counsel, Christine A. Freeman, and files this Motion to withdraw as counsel of record and for appointment of a CJA panel attorney on behalf of Defendant Brian V. Clark. In support of this Motion, counsel states the following:

1. Undersigned counsel filed a Notice of Appearance in this case.
2. Undersigned counsel has discovered a conflict of interest, related to the simultaneous representation by counsel's office of Michael Smith in Case No. 3:06-cr-31-W. Although separately indicted for separate firearms, both men are charged with felonious possession of firearms at the same address in Lee County on the same day. Thus, potentially adversarial defenses exist, requiring counsel to withdraw.
3. On behalf of Mr. Clark, undersigned counsel requests that CJA panel attorney Malcolm Newman be appointed to represent Mr. Clark in all further proceedings in this case. Mr. Clark will not be prejudiced by such a change in counsel at this time. Mr. Newman has indicated his willingness to accept appointment and will file a Notice of Appearance.

WHEREFORE, undersigned counsel prays that the office of the Federal Defender be permitted to withdraw from the representation of Mr. Clark and that Malcolm Newman

be appointed to represent him.

Respectfully submitted,

s/Christine A. Freeman
CHRISTINE A. FREEMAN
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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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s/Christine A. Freeman
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